

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIVEN D. BUNDY *et al.*,

Defendants.

Case No.: 2:16-cr-0046-GMN-PAL

ORDER

Pending before the Court is Defendant Peter T. Santilli, Jr.'s ("Defendant's") Objection (ECF No. 1118) to Magistrate Judge Peggy A. Leen's Orders (ECF Nos. 1098, 1109) entered on December 12–13, 2016, severing Defendant's case in three tiers, placing Defendant in Tier 1, and setting a trial date for Tier 1 of 30 days after the conclusion of the first trial of the Tier 3 co-defendants.¹ The Government did not file a Response to Defendant's Objection.

When reviewing the order of a magistrate judge, a district judge should only set aside the order if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Nev. R. IB 3-1(a). A magistrate judge's order is "clearly erroneous" if the court has "a definite and firm conviction that a mistake has been committed." *See Burdick v. Comm'r IRS*, 979 F.2d 1369, 1370 (9th Cir. 1992). "An order is contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure." *Global Advanced Metals USA, Inc. v. Kemet Blue Powder Corp.*, Case No. 3:11-cv-793-RCJ-VPC, 2012 WL 3884939, at *3 (D. Nev. 2012).

When reviewing the order, however, the magistrate judge "is afforded broad discretion, which

¹ On December 28, 2016, co-defendant Cliven D. Bundy ("Bundy") filed a Motion for Joinder (ECF No. 1205) to Defendant's Objection (ECF No. 1118), which included additional substantive argument. Pursuant to District of Nevada Local Rule IB 3-1(a), any objections to a magistrate judge's order must be filed within 14 days of service. Bundy's Motion for Joinder was not filed within the 14-day deadline to be considered as an Objection to Judge Leen's Order. Accordingly, the Court denies Bundy's Motion for Joinder (ECF No. 1205) as untimely. The Court also notes that Bundy's supplemental substantive argument similarly lacks any legal authority or case law.

1 will be overruled only if abused.” *Columbia Pictures, Inc. v. Bunnell*, 245 F.R.D. 443, 446
2 (C.D. Cal. 2007) (citation omitted). The district judge “may not simply substitute its judgment”
3 for that of the magistrate judge. *Grimes v. City & Cty. of San Francisco*, 951 F.2d 236, 241 (9th
4 Cir. 1991).


5 In his Objection, Defendant fails to cite to any legal authority or case law to support his
6 argument. Having reviewed the record before Judge Leen, including the hearing before Judge
7 Leen on December 9, 2016, along with the subsequent briefing of the parties, the Court finds
8 that Judge Leen’s Order was not clearly erroneous or contrary to law.

9 Accordingly,

10 **IT IS HEREBY ORDERED** that Defendant’s Objection (ECF No. 1118) is
11 **OVERRULED**.

12 **IT IS FURTHER ORDERED** that Cliven D. Bundy’s Motion for Joinder (ECF No.
13 1205) is **DENIED**.

14 **DATED** this 29 day of December, 2016.

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18 Gloria M. Navarro, Chief Judge
19 United States District Court
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